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DEWEY BALLANTINE

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

x Case No. 06 CV 1704 (DLI)(LB)

MATTHEW F. BURKE,

Plaintiff,

-against-

BANK OF AMERICA, N.A.,

Defendant.

**STIPULATION OF  
DISCONTINUANCE WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, plaintiff Matthew F. Burke, and counsel to Bank of America Corporation, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action is hereby discontinued in its entirety, with prejudice, as set forth in a settlement agreement executed by the parties on May 25, 2006.

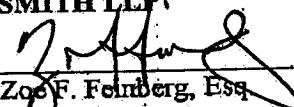
Dated: New York, New York  
May 25, 2006

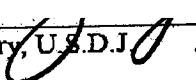
By:

  
 MATTHEW F. BURKE  
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 Brooklyn, New York 11211  
 (646) 320-7537  
 Plaintiff Pro Se

**REED SMITH LLP.**

By:

  
 Zoe F. Feinberg, Esq.  
 599 Lexington Avenue  
 New York, New York 10022  
 (212) 521-5400  
 Attorneys for Defendant  
 Bank of America Corporation

**SO ORDERED**Hon. Dora Irizarry, U.S.D.J. 

Dated: Brooklyn, NY  
June 5, 2006